

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

RODNEY JULIUS OWENS)
)
Plaintiff,)
)
v.)
)
JAY JONES, et. al.,)
)
Defendants.)

Civil Action No. 3:06-cv-00540-MEF-SRW

**DEFENDANTS SHERIFF JAY JONES, MAJOR CARY TORBERT, JR., AND NURSE
LINDA STEWART'S MOTION FOR EXTENSION OF TIME TO FILE THEIR
SPECIAL REPORT AND ANSWER**

COME NOW Sheriff Jay Jones, Major Cary Torbert, Jr.¹, and Nurse Linda Stewart, Defendants in the above-styled cause², and move this Court to grant them an extension of time of 14 days in which to file in which to file their Special Report and Answer which are currently due on September 5, 2006 and September 6, 2006 (respectively). As grounds for this Motion, the Defendants state as follows:

1. On June 28, 2006, this Court ordered the Defendants to file their Special Report within 40 days of the date of the Order, which would be August 7, 2006. The Defendants Sheriff Jay Jones, Major Cary Torbert, Jr., and Nurse Linda Stewart were served with the Complaint and Order for Special Report on June 2, 2006, making their Answer due August 8, 2006. Defendants requested, and this Court granted, an extension of forty days to make these filings.

2. As reasons for so moving, Defendants state that the gathering of information with which to respond to the Plaintiff's allegations has taken longer than expected, and additional time is needed in order that a full and complete response may be made.

¹ Major Cary Torbert, Jr., was incorrectly designated in the Plaintiff's Complaint as Major James Torbert.

² Although the Plaintiff also named Dr. John McFarland as a Defendant in his lawsuit, Dr. McFarland has not been served.

3. The Plaintiff will not be prejudiced by this extension.

WHEREFORE Defendants Sheriff Jay Jones, Major Cary Torbert, Jr., and Nurse Linda Stewart request this Court to grant them an extension of time to file their Special Report and Answer on or before September 19, 2006.

Respectfully submitted this 1st day of September, 2006.

s/Ashley Hawkins Freeman
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CERTIFICATE OF SERVICE

I hereby certify that on this the 1st day of September, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Rodney Julius Owens
Lee County Detention Center
P.O. Box 2407
Opelika, AL 36801

s/Ashley Hawkins Freeman
OF COUNSEL